

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LARRY E. EALY,	:	
Plaintiff,	:	Case No. 3:08cv00269
vs.	:	District Judge Thomas M. Rose
		Magistrate Judge Sharon L. Ovington
CITY OF VANDALIA	:	
PROSECUTOR CLAUDIA J.	:	
TURRELL, <i>et al.</i> ,	:	
Defendants.	:	

DECISION AND ENTRY

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #3), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on November 3, 2008 (Doc. #3) is ADOPTED in full;
2. Plaintiff's claims against Defendant City of Vandalia and Defendant Harrison Township Sheriff Department are DISMISSED sua sponte under 28 U.S.C. §1915(e)(2)(B)(ii);
3. Plaintiff's remaining claims are not dismissed;

4. The Clerk of Court is directed to effect service of summons and Complaint upon Defendants City of Vandalia Prosecutor Claudia J. Turrell and Deputy Sheriff Hull as directed by Plaintiff – all costs of service to be advanced by the United States.

November 24, 2008

***S/THOMAS M. ROSE**

Thomas M. Rose
United States District Judge